



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,088	05/22/2001	Steven Christopher Tengler	10541-181	9013

7590

04/01/2003

Steven L. Oberholtzer
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/863,088

Applicant(s)

TENGLER ET AL.

Examiner

Roberto J Rios

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 13, 16, 17 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 14, 15, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12, 13, 16, 17, and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe (US patent 6,414,591).

As per claim 12, Watanabe teaches an input/output device mounted in a vehicle having a driver seat and a passenger seat, comprising: a housing (20); electronics, a switch (30) having activated and inactivated positions, an input device (23); and an output device (24) for displaying information to one or more occupants of said vehicle, the output device being adapted to move between first and second positions, wherein the switch is disposed on the housing such that the output device moves the switch into the activated position when the output device moves from the first position to the second position (Figure 2), and wherein the electronics disable the input device when the switch is not in the activated position (col. 3, line 33).

As per claim 13, Watanabe teaches the first position is such that information displayed on the output device is within the zone of vision of an occupant of said driver seat (Figure 2).

As per claim 16, Watanabe teaches an input/output device mounted in a vehicle having a driver seat and a passenger seat, comprising: a housing (20) defining a recess, an input device (23), an output device (22, 24, 26, 28) for displaying information to one or more occupants of said vehicle, the output device being adapted to move between first and second positions substantially within the recess, means (30) for detecting the presence of the output device in the second position; and means for disabling the input device when the output device is not in the second position (col. 3, line 33).

As per claim 17, Watanabe teaches the first position is such that information displayed on the output device is within the zone of vision of an occupant of said driver seat (Figure 2).

As per claim 22, Watanabe teaches a method of restricting input into an input/output device mounted within a vehicle, said input/output device having a housing (20) defining a recess, an input device (23) and an output device (22, 24, 26, 28) adapted to move between first and second positions substantially within the recess, the method comprising: determining (30) if said output device is in said second position, disabling said input device if said output device is not in said second position, and enabling said input device if said output device is in said second position (Figure 2; col. 3, line 33).

As per claim 23, Watanabe teaches determining if said vehicle is in motion and enabling said input device if said vehicle is not in motion (col. 3, line 41).

As per claim 24, Watanabe teaches a method of restricting input into an input/output device mounted within a vehicle, said input/output device having a housing defining a recess, an input device and an output device adapted to move between first and second positions substantially within the recess, the method comprising: determining if said vehicle is in motion-, determining if said output device is in said second position, and disabling said input device if said output device is not in said second position and said vehicle is in motion.

As per claims 25 and 26, Watanabe teaches enabling said input device if said output device is in said second position and said vehicle is not in motion (col. 3, line 33+).

3. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al (US patent 6,526,335).

As per claim 20, Treyz et al (herein after Treyz) teach a method of restricting input into an input/output device mounted within a vehicle having driver and passenger seats, said input/output device having a housing defining a recess, an input device (controls) and an output device (230) adapted to move between first and second positions substantially within the recess (Figure 5), the method comprising determining (232) whether information displayed by the output device is within a zone of vision of an occupant of said driver seat, disabling said input device (not driving-related controls) if the information is within the zone of vision of an occupant of said driver seat; and enabling said input device if the information is not within the zone of vision of an occupant of said driver seat (col. 17, line 18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe.

As per claim 1, Watanabe teaches an input/output device for mounting in a vehicle having a driver seat and a passenger seat, comprising: a housing (20), an input device (231), an output device (22) for displaying information to one or more occupants of said vehicle, the output device being adapted to move between first and second positions (open, close), an electrical switch that is actuated by said output device; and electronics adapted to disable the input device when the output device is not in the second position (col. 3, line 33) but does not specifically disclose using an electrical circuit terminating in first and second electrical contacts, the circuit being complete when the first electrical contact is in electrical communication with the second electrical contact, the first electrical contact disposed on the output device such that the electrical circuit is complete when the output device is in the second position. However, the Examiner takes official notice that it is well known in the art to use separate contact switches to provide circuit interruption in a system.

It would have been an obvious engineering design choice to interchangeably provide either a separate contact switch or Watanabe's switch since they are well-known switching equivalent means.

As per claim 2, Watanabe teaches the switch disposed on the housing (Figure 2).

As per claim 3, Watanabe teaches the housing defining a recess having a perimeter and the output device (22, 24, 26, 28) moves between the first and second positions substantially within the recess (Figure 2).

As per claim 4, Watanabe teaches the output device having a pivot pin (top of 24) and the perimeter of the recess defines an opening that receives the pin such that the output device moves between the first and second positions substantially within the recess (Figure 2).

As per claim 5, Watanabe teaches the output device having a second pivot pin (bottom of 24) and the perimeter of the recess defines a second opening that receives the second pin (Figure 2).

As per claim 6, Watanabe teaches the input device comprises a plurality of buttons (23) adapted to allow an occupant of said vehicle to enter information into said input/output device by depressing one or more of the buttons (col. 2, line 27).

As per claim 7, Watanabe teaches the output device comprising a display screen (22).

As per claim 8, Watanabe teaches the input device comprises an operation panel but does not specifically disclose an on-screen control selectively displayed on the display screen. However, the Examiner takes official notice that to positioned on-screen

controls selectively displayed on a display screen is well known in the vehicle control art. Thus, it would have been an obvious engineering design choice to position on-screen controls displayed on a display screen for the purpose of integrating the components into a single unit.

As per claim 9, Watanabe teaches the first position being such that information displayed on the output device is within the zone of vision of an occupant of said driver seat (Figure 2).

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Watanabe.

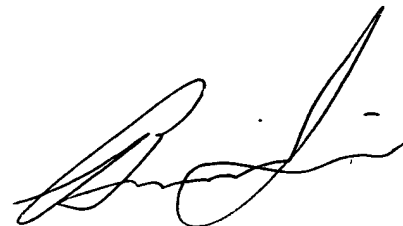
As per claim 21, Treyz teaches controlling enablement of said input device but does not specifically disclose determining if said vehicle is in motion and enabling said input device if said vehicle is not in motion. However, Watanabe teaches method for controlling an input/output device for mounting in a vehicle having a driver seat and a passenger seat, comprising determining if said vehicle is in motion and enabling said input device if said vehicle is not in motion (col. 3, line 41).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Treyz with the teachings of Watanabe such that a vehicle motion status is detected for the purpose of preventing distracting the driver.

7. Art of general nature relating to vehicle display control has been cited for applicant's review.

Communication with PTO

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.



**BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800**

Roberto J. Rios
Patent Examiner